

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)

MARK GOLDSTEIN, D.O.)
Holder of License No. 1572 for the)
practice of osteopathic medicine in the)
State of Arizona.)
_____)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER OF SUMMARY
SUSPENSION**

The Board held a public meeting on April 13, 2001, regarding Mark Goldstein, D.O. (hereafter "Respondent"). Respondent was not present for the meeting. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law, and Order of Summary Suspension, pending a formal Administrative Hearing.

FINDINGS OF FACT

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") is empowered, pursuant to A.R.S. §§ 32-1800 through - 1871 to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Respondent is a licensee of the Board and holds License No. 1572 for the practice of osteopathic medicine in Arizona.
3. The Board obtained information that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.
4. On or about August 27, 1987 Respondent entered into a Stipulation and Consent

Order agreeing to suspend his medical license pending treatment for alcohol and drug abuse.

5. On or about August 27, 1987, Respondent entered into a Stipulation and Consent Order for suspension of his medical license pending treatment for possible alcohol and drug abuse.

6. On or about December 3, 1987 Respondent entered into a Stipulation and Probation Order for a five-year period based on his admittance of a narcotic and alcohol abuse problem and that he fraudulently obtained narcotic drugs by writing prescriptions in the name of other persons when the drugs were for his personal abuse.

7. On or about February 26, 1992 Respondent entered into a Consent to Entry of Order and Findings of Fact, Conclusions of Law and Order extending Respondent's probation for three years based on the fact that Respondent was arrested with a blood alcohol level of .224 while on probation with a requirement to refrain from all use of alcohol.

8. On or about February 28, 1992 Respondent entered into a Consent Order for Suspension of License pending treatment for alcohol abuse.

9. On or about March 31, 2001 while reviewing the allegation of unethical behavior and harassment of a patient in Case No. 2880, the Board was concerned that while engaging in the practice of medicine Respondent may have been impaired.

10. On April 11, 2001 the Board's Executive Director issued an Order for Random Urine Drug Screens for Respondent. The Order required Respondent to be tested within sixty minutes of the request. Respondent was required to provide a biological fluid sample on April 11, 2001. Respondent appeared at an appropriate location but the sample provided was "cold" and did not register on the temperature tape on the collection bottle. Respondent was required to provide another sample and did not provide that sample. Respondent was then required to provide a sample

within sixty minutes at a separate location but failed to provide that sample.

11. On April 12 and 13, 2001 Respondent was ordered to provide a biological fluid sample within sixty minutes but failed and refused to provide that sample.

12. According to the American Osteopathic Academy of Addiction Medicine a "cold" or "missed" urine drug screen is considered "positive" for either drugs or alcohol.

13. In public session, the Board voted on April 13, 2001 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

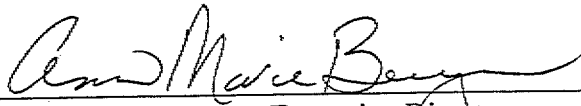
ORDER

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

Pursuant to A.R.S. §§32-1855(C) and 41-1064(C), License No. 1572 held by MARK GOLDSTEIN, D.O. to practice osteopathic medicine is summarily suspended in the State of Arizona effective April 13, 2001, pending further disciplinary proceedings or until further Order of the Board.

ENTERED this 13th day of April, 2001.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Rd.

Served by personal service or
Certified Mail this 13th day
of April, 2001 to:

Mark Goldstein, D.O.
4020 N. Scottsdale Rd., #108
Scottsdale AZ 85251

Copy mailed this 13th day
of April 2001 to:

Stephen Leshner, Esq.
Van Osteen and Partners
3605 N. Seventh Ave.
Phoenix AZ 85013-3692

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85012

Drug Enforcement Agency
Attn: Diversion Sec.
3010 N. 2nd St.
Phoenix AZ 85012

